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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/827,485	04/06/2001	Thomas Brumm	112740-209	5739

29177 7590 05/16/2006

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EXAMINER

RYMAN, DANIEL J

ART UNIT	PAPER NUMBER
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2616

DATE MAILED: 05/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/827,485

Applicant(s)

BRUMM ET AL.

Examiner

Daniel J. Ryman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 28-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 28-37 is/are rejected.
- 7) ☒ Claim(s) 28 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. The indicated allowability of claims 28-37 is withdrawn in view of the newly discovered reference(s) to Baratz et al. (USPN 5,742,596). Rejections based on the newly cited reference(s) follow.

2. Applicant's arguments with respect to claims 28-37 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

3. Claim 28 is objected to because of the following informalities: in line 3, "a data processing device" should be "a data processing system" in view of claim 33 which refers to "the data processing system". Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 29 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 29 discloses that the second signaling information is transmitted as part of *signaling* packets that do not contain any first signaling information. Claim 28, which claim 29 depends upon, discloses that the second signaling information is transmitted as *data* packets. While claim 29 limits the type of signaling packets that can be used to transport the second signaling information, claim 28 discloses that the second signaling information is transmitted in

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data packets rather than signaling packets. Since Examiner is unsure of the intended scope of claim 29, Examiner will not examine claim 29 regarding the status of the prior art.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 28, 30-33, and 36-37 are rejected under 35 U.S.C. 102(b) as being anticipated by Baratz et al. (USPN 5,742,596).

8. Regarding claims 28 and 37, Baratz discloses a terminal device (ref. 41: telephony client, see col. 4, lines 35-43) coupled to a packet-switched communication network (ref. 37, see col. 4, lines 29-36) comprising: a data processing device having a first program module ("other applications besides telephony client applications," see col. 5, lines 33-40), wherein said processing device configures first signaling information according to a first packet-switched standard protocol (see col. 5, lines 33-40, where any signaling information sent by these "other applications" will conform to the network protocol), and configures second signaling information (PBX control information) according to a circuit-switched standard protocol (col. 5, lines 1-6; col. 5, lines 38-40; and col. 6, lines 39-47, where the traditional control information is transmitted as LAN packets); an interface unit for operatively coupling the terminal device to the packet-switched communication network (ref. 43: NIC, see col. 4, lines 35-36) wherein the first signaling information is transmitted through the interface with the assistance of signaling packets of the packet-switched communication network (see col. 5, lines 33-40, where any signaling

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information sent by these "other applications" will conform to the network protocol), and the second signaling information is transmitted through the interface with the assistance of data packets of the packet-switched communication network (col. 5, lines 1-6; col. 5, lines 38-40; and col. 6, lines 39-47, where the traditional telephone control information is transmitted as LAN packets).

9. Regarding claim 30, Baratz discloses that signaling information for at least one service and/or performance feature is transmitted as second signaling information (col. 6, lines 58-63).

10. Regarding claim 31, Baratz discloses that the service feature and/or performance feature includes at least one of call pick up, three way conferencing, large scale conferencing, holding, displaying of toll information, a closed user group, call number identification, automatic call back when busy, automatic call back when no response, call barring, call waiting indication and call transfer (col. 6, lines 58-63).

11. Regarding claim 32, Baratz discloses that the second signaling information, with the assistance of the packet-switched communication network, is transmitted from the terminal device (ref. 41: telephony client, see Fig. 1) to a second interface unit (ref. 44: telephony server, see Fig. 1) between the packet-switched communication network and the circuit-switched communication network (col. 6, lines 7-15, where the telephony server module interfaces the network with the PSTN).

12. Regarding claim 33, Baratz discloses that the data processing system further comprises a second program module that converts the transmitted first and second signaling information into image information to be displayed on a display unit (Fig. 6) and processes information which is input using an input unit, using data exchanged between the first program module and the second

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program module (col. 10, lines 35-46, where the host computer has a device driver which permits a client to interact with applications on the host computer).

13. Regarding claim 36, Baratz discloses that the terminal device is configured as a computer system with software and hardware (col. 4, lines 35-43).

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 34-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baratz et al. (USPN 5,742,596).

16. Regarding claim 34, Baratz does not expressly disclose that the second program module provides a graphical interface; however, Baratz does disclose that the host computer has software which permits a client to interact with applications (Fig. 6 and col. 10, lines 35-46). Examiner takes official notice that GUIs are well known in the art as a means for permitting a user to interact with software on a computer. As such, it would have been obvious to one of ordinary skill in the art at the time of the invention to have the second program module provide a graphical interface in order to permit a client to interact with software on the host computer in a well-known manner.

17. Regarding claim 35, Baratz does not expressly disclose that a number of possible graphical interfaces are stored in the data processing device, and the user interfaces are optionally switched over by the second program module; however, Baratz does disclose that

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there are multiple applications on the host computer (col. 10, lines 35-46, e.g. phone book and dialer). Examiner takes official notice that it is well known in the art to have each application use a different graphical interface which is customized for the particular application. As such, it would have been obvious to one of ordinary skill in the art at the time of the invention to have a number of possible graphical interfaces stored in the data processing device and to have the user interfaces optically switched over by the second program module in order to permit a user to interact with a particular application using a graphical interface customized for that application.

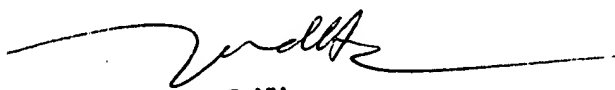
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel J. Ryman whose telephone number is (571)272-3152. The examiner can normally be reached on Mon.-Fri. 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (571)272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DJR
Daniel J. Ryman
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